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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91249427
Party	Defendant Cyberman Security, LLC AKA The CyberHero Adventures: Defenders of the Digital Universe
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Date	10/29/2019
Attachments	Cyberman Securities Initial Disclosures FINAL 10.29.19.pdf(694788 bytes)

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**EVOLUTIONARY GUIDANCE
MEDIA R&D INC.,**

Opposer,

v.

**CYBERMAN SECURITY, LLC AKA
THE CYBERHERO ADVENTURES:
DEFENDERS OF THE DIGITAL
UNIVERSE,**

Applicant.

Opposition No. 91249427

Serial No. 88219305

**Mark: THE CYBERHERO
ADVENTURES DEFENDERS OF
THE DIGITAL UNIVERSE**

Published: May 14, 2019

APPLICANT CYBERMAN SECURITY, LLC's INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Applicant Cyberman Security, LLC ("Cyberman") makes the following initial disclosures:

- A. Name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.**

Without waiving any privilege, doctrine, confidentiality claim, or objection to discovery, Cyberman identifies the following individuals who may have discoverable information that Cyberman may use to support its defenses to the claim asserted against Cyberman. Cyberman reserves the right to modify or add to this list as the case progresses.

1. Corporate representatives of Cyberman (who may only be contacted through counsel for Cyberman) qualified to testify about the use by Cyberman of its trademarks THE CYBERHERO ADVENTURES: DEFENDERS OF THE DIGITAL UNIVERSE and CYBERHERO.

2. Corporate representatives of Evolutionary Guidance Media R&D, Inc (EGM), Opposer, including its officers, employees and/or agents expected to have discoverable information related to EGM's advertising and marketing and descriptive uses by EGM of its alleged marks set forth in this Opposition.

3. Other persons who may have knowledge may be determined as discovery goes forward. Cyberman reserves the right to supplement these disclosures should such persons be located and Cyberman reserves the right to call as witnesses all persons identified by EGM in its Initial Disclosures, as well as any witnesses who are found to be knowledgeable concerning the alleged uses by EGM of its marks set forth in this Opposition.

B. A copy, or a description by category and location, of all documents, electronically stored information, and tangible things that are in the possession, custody, or control of the disclosing party that it may use to support its claims or defenses.

Without waiving any privilege, doctrine, confidentiality claim or objection to discovery, Cyberman identifies the following documents or categories of documents and their locations that it may use to support its defenses as to claims asserted against Cyberman. Cyberman reserves the right to modify or add to this list as this case proceeds:

1. Documents related to the statements made by EGM in its opposition and the asserted trademark rights alleged therein.

2. Documentation related to the prosecution of the trademark application for THE CYBERHERO ADVENTURES: DEFENDERS OF THE DIGITAL UNIVERSE and Cyberman's and the public's rights to use of the CYBERHERO trademark as well as the generic use thereof.

3. Any and all documents, compilations and things identified by EGM in its initial disclosures.

Respectfully submitted,

RIMON, P.C.



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Date: 10/29/2019

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2019, copies of this paper are being served upon the following by email:

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